

Remarks

Reconsideration of the application is respectfully requested. Claims 10-14 and 16-20 are currently pending.

In the Office action mailed April 14, 2004, the specification was objected to on account of the incorporation by reference on page 26 thereof. By the present amendment, this text has been canceled, without prejudice, thereby obviating the rejection.

The claims also stand rejected as allegedly being obvious over O'Neill et al. (US 6124092), and as to claim 15, over O'Neill et al. in view of Hellyer et al. (US 6207818). Claim 10 is reproduced below:

10. A method for isolating one or more different-sequence polynucleotides from a mixture, the method comprising:

(a) flowing the mixture through a flow path containing a plurality of solid supports which are located in series in the flow path, each support having bound thereto a sequence-specific capture agent complementary to a different-sequence polynucleotide, under conditions effective to specifically bind different-sequence polynucleotides to corresponding sequence-specific capture agents on one or more of the supports,

(b) after said specific binding, releasing bound polynucleotides from a selected support by altering a physical property of that support while leaving unaltered the same physical property of at least one other of the supports,

(c) eluting the released polynucleotides through the flow path such that the eluted polynucleotides can be isolated in separated form.

The undersigned has carefully reviewed the Interview Summary mailed May 13, 2004 regarding the content of an interview between Examiner Sisson and Vincent P. Liptak that occurred May 11, 2004. The undersigned respectfully submits that a prima facie case of obvious has not been established, as it has not be adequately established that the claimed invention, as embodied in claim 10, is obvious over the cited art. In particular, it is respectfully submitted that the Examiner has not met the burden of showing an objective teaching that the various disparate features of the cited art, particularly of the O'Neill et al. reference, should be combined to achieve the particular combination of features of the invention that is presently claimed. Nor are the deficiencies of the O'Neill et al reference remedied by Hellyer et al., even as to claim 15.

Absent the requisite objective teaching, the invention cannot be considered obvious. The present rejections are based on the picking and choosing of parts of the cited art using improper hindsight, which cannot suffice to establish obviousness. Accordingly, withdrawal of the obviousness rejections is respectfully requested.

FEE AUTHORIZATION AND REQUEST FOR TIME EXTENSION

A Petition for a 3-Month Extension of Time is enclosed herewith. If any additional time extensions are required, such time extensions are hereby requested. If any additional fees not submitted with this response are required, please take such fees from Applied Biosystems Deposit Account No. 01-2213 (Order No. 4470 US).

Respectfully submitted,

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